

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JESSI C. WEBB and LAURICE  
WEBB, husband and wife and natural  
parents of B.W.; and JESSI C. WEBB  
and LAURICE WEBB, representatives  
of the ESTATE OF B.W.,

Plaintiffs,

v.

CITY OF RICHLAND, a municipal  
corporation; DOUGLAS L. WOLD, an  
individual; and PETER L. WOLD and  
CINDY L. WOLD, husband and wife,

Defendants.

No. CV-10-5008-LRS

**ORDER GRANTING  
WOLD DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

On November 30, 2010, Defendants Peter L. Wold and Cindy L. Wold filed a Motion For Summary Judgment (Ct. Rec. 22). Plaintiffs have not filed a response to the motion. A response was due no later than 21 days after service of the motion. LR 7.1(c)(1) There is no stipulation or order of record extending the response time. The fact Defendants did not note their motion for hearing does not excuse Plaintiffs' failure to respond.

A failure to timely file a memorandum of points and authorities in opposition to any motion may be considered by the court as consent on the part of the party failing to file such memorandum to the entry of an order adverse to the

1 party in default. LR 7.1(e). Furthermore, pursuant to LR 56.1(d), in determining  
2 any motion for summary judgment, the court may assume the facts claimed by the  
3 moving party are admitted to exist except as and to the extent such facts are  
4 controverted by a statement of material facts filed by the non-moving party.  
5 Plaintiffs, the non-moving parties, have not filed a statement of material facts.

6 Based on LR 7.1(e) and the uncontroverted statement of material facts (Ct.  
7 Rec. 23)<sup>1</sup> and memorandum of points and authorities (Ct. Rec. 24) filed by the  
8 Defendants Peter L. Wold and Cindy L. Wold, said Defendants' Motion For  
9 Summary Judgment (Ct. Rec. 22) is **GRANTED**. The undisputed facts establish  
10 as a matter of law that Washington's family car doctrine does not apply.  
11 Accordingly, liability cannot be imputed to Defendants Peter L. Wold and Cindy  
12 L. Wold for any negligence of Douglas Wold, their son, in connection with the  
13 motorcycle accident which occurred on March 17, 2007. Furthermore, the  
14 undisputed facts establish as a matter of law that Peter L. Wold and Cindy L. Wold  
15 did not negligently supervise Douglas Wold or negligently entrust the motorcycle  
16 to him. Defendants Peter L. Wold and Cindy L. Wold are awarded judgment on  
17 all of the claims asserted against them in Paragraph VII of Plaintiffs' Complaint.

18 **IT IS SO ORDERED.** The District Executive is directed to enter this order  
19 and forward copies of the same to counsel of record.

20 **DATED** this 24th of January, 2011.

21  
22 *s/Lonny R. Suko*

23 LONNY R. SUKO  
24 Chief United States District Judge  
25  
26

27 <sup>1</sup> As supported by the declarations of Defendants Peter L. Wold and Cindy  
28 L. Wold (Ct. Rec. 25 and 26) and exhibits attached thereto.